The Validity of the Thuc Consecrations

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During a conversation with Archbishop Marcel Lefebvre in 1980, I hinted about my worries over finding a bishop after his death who would ordain traditional Catholic priests and confirm our children.

The archbishop — at that time he hadn't indicated whether he would one day consecrate bishops — tactfully replied that the question worried *him*, too, and that "Deus providebit" — God will provide. He added, with one of his trademark French chuckles, that each time he had a coughing or sneezing fit in the seminary chapel at Ecône, he could almost hear the 80 seminarians silently change their prayer to just one fervent petition: "God, let him live — at least till he ordains me!"

The amusing anecdote highlights a serious issue: As traditional Catholics, the sacraments are the center of our spiritual life and the key to our salvation. We know that if we want to hear Mass, receive Holy Communion, have our sins absolved and be fortified by the Last Rites, we need priests. And we know that only bishops can make priests.

Where, then, can we go to find bishops who will ordain traditional Catholic priests, and thus ensure that the traditional Latin Mass will continue to be celebrated at our altars?

The laity and clergy connected with the Society of St. Pius X (nervous seminarians in particular) need worry no longer. On 30 June 1988 Abp. Lefebvre and the retired bishop of Campos, Brazil, Antonio de Castro-Mayer, consecrated four bishops for the Society of St. Pius X. These bishops have since ordained more priests for the Society and recently consecrated a bishop to succeed Bp. Mayer in Campos.

The Lefebvre bishops limit their episcopal ministrations only to those chapels and clergy who accept unquestioningly all the Society's theological opinions and who surrender legal control of their property to the Society. Likewise, these bishops will ordain to the priesthood only those seminarians who swear fealty to the Society's positions.

Many traditional priests disagree with the Society's positions and policies. We can hardly look to a Lefebvre bishop if we want children from our chapels to receive the Sacrament of Confirmation. Still less could we found a seminary to train the clergy who will one day succeed us, and then imagine that the Lefebvre bishops would ordain to the priesthood the seminarians we would train.

But Lefebvre bishops are not the only option. In the U.S. at present there are six traditional Catholic clergymen who are commonly referred to as the "Thuc" bishops. Unlike the Lefebvre bishops, the Thuc bishops are not connected in a single organization. They operate independently of each other (like most traditional priests), though some of them do co-operate together in certain apostolic works.

Like traditional Catholic priests, too, the six Thuc bishops are a diverse lot. Five are older men who were trained and ordained to the priesthood before the disastrous post-Vatican II changes hit; one (a younger man) received a traditional formation and was ordained a priest in the old rite well after Vatican II. Three were diocesan priests; three were members of different religious orders. Four of the bishops graciously cooperate with traditional Catholic chapels and clergy outside their own particular milieu; two bishops are definitely off in separate orbits. Of the six bishops, one has a reputation as a notorious troublemaker, another is not particularly well known one way or the other, and the other four (two of them recently consecrated) are well regarded in the circles where they pursued their apostolate, either through their writings or their sacramental ministry.

The Thuc bishops in the U.S. all trace their episcopal consecrations to one of two men:

- Bishop M.L. Guérard des Lauriers OP, formerly a professor at the Pontifical Lateran University in Rome and at the Society of St. Pius X's seminary in Ecône, Switzerland (he was one of my teachers), and the author of the famous *Ottaviani Intervention*.

- Bishop Moises Carmona Rivera, a diocesan priest from Acapulco who for years offered the traditional Mass for sizable groups of the faithful in various parts of Mexico.

In 1981 Bps. Guérard and Carmona were consecrated bishops by one man: Archbishop Pierre Martin Ngô-dinh-Thuc (†1984), former Archbishop of Hué, Vietnam.

Abp. Thuc, appointed by Pius XI and consecrated a bishop in 1938, founded the Diocese of Vinh-long and was named Archbishop of Hué in

1960. In 1963, while Abp. Thuc was in Rome for the Second Vatican Council, his brother, Ngô-dinh-Diem, President of South Vietnam, was overthrown and murdered in a coup. Unable to return to Vietnam and treated by the Vatican as an outcast, Abp. Thuc eked out a meager existence serving as a substitute Assistant Pastor in various parishes near Rome.

His interest in the traditional movement appears to have begun in early 1975 when he visited Abp. Lefebvre's seminary in Ecône, Switzerland. The event would turn out to be a mixed blessing. There Abp. Thuc struck up an acquaintance with Father M. Revaz, former Chancellor of the Swiss Diocese of Sion and professor of Canon Law at the Ecône seminary. Later in 1975, Father Revaz convinced Abp. Thuc that the solution to the Church's problems were to be found in alleged "Marian apparitions" at Palmar de Troya, Spain, and he urged the Archbishop to consecrate bishops for the Palmar supporters, who wished to preserve the traditional Mass. Abp. Thuc agreed and performed the consecrations in December. The next year, however, Abp. Thuc repudiated his connections with the Palmar group.[1]

Traditional Catholics who discuss Abp. Thuc's subsequent activities in the traditional movement seem to fall into two opposing camps. The first group canonizes him by portraying him as a valiant hero who consistently rejected all the errors of the post-Conciliar Church. The second group insults him by painting him as an old fool who lacked enough presence of mind to confer a valid sacrament.

Both groups are wrong. On one hand, while Abp. Thuc did say the traditional Mass, he was hardly another Athanasius. His actions and his statements on the situation in the Church were, like Abp. Lefebvre's, often contradictory and mystifying. And like Abp. Lefebvre, he too apparently accepted a deal with the Vatican and later changed his mind. On the other hand, theological zig-zagging and errors of practical judgement prove only that a given archbishop (take your pick) is human and fallible. They do *not* prove that he's lost the tiny mental minimum which the Church says makes his sacraments valid.

But we've digressed a bit. Our purpose here is not to review the ins and outs of Abp. Thuc's career. Rather, we want to determine whether or not the six Thuc bishops in the U.S. are validly-consecrated bishops — that is, whether or not they possess the sacramental power possessed by all Catholic bishops to administer the Sacrament of Confirmation, to ordain priests who are real priests, and to consecrate other bishops who are real bishops.

This sacramental power, called the Apostolic Succession, passes from one Catholic bishop to all the bishops he consecrates. They in turn pass this sacramental power on to all the bishops *they* consecrate, and so on.

To pursue our inquiry, therefore, we must look to the episcopal consecrations of the two prelates to whom the six Thuc bishops in the U.S. trace their consecrations: Bps. Guérard and Carmona. If the episcopal consecrations of the latter two must be regarded as valid, then the line of orders which proceeds from them is likewise valid.

Now, as we shall demonstrate below, the pertinent facts and the pronouncements of popes, canonists (canon law experts) and Catholic moral theologians all lead to one unavoidable conclusion: we are obliged to regard as valid the episcopal consecrations Abp. P.M. Ngô-dinh-Thuc conferred on M.L. Guérard des Lauriers and Moises Carmona Rivera.

Since the consecrations of Bps. Guérard and Carmona were valid, we are likewise obliged to regard as valid the line of orders which proceeds from them, and thus to hold that the priests ordained in this line are truly priests and that the bishops consecrated in this line are truly bishops.

I. SOME NOTES ON THE INVESTIGATION

In 1982 two Americans made their debuts as Thuc bishops in the U.S. The circumstances surrounding their appearance, put mildly, did not bode well for the future.

One of them was a priest then relatively new to the traditional movement, and the details of how or why he had been selected for episcopal consecration were never entirely clear. The other all but jumped through hoops pursuing his miter. As a priest in February 1982, he boasted of his support for John Paul II. Shortly thereafter, word of the Thuc bishops and their hard line against John Paul II began to spread. In June he embraced the sedevacantist position. In August the other American consecrated him a bishop.

Thereafter, the two bishops cranked out denunciations, split several chapels, issued “excommunications,” pretended to set up dioceses, and otherwise pursued the sort of follow-me-or-die program so endemic among traditional clergy.

In January 1983 I published a lengthy article exposing these goings-on, together with a warts-and-all portrait of Abp. Thuc. I did not examine the issue of whether the consecrations were valid, but noted that “further research would be needed to ascertain what theologians and canonists consider sufficient evidence for validity in such a case.”[2]

Absent such research, I was personally inclined to view the consecrations as doubtful. So too my fellow priests in the Northeast. Moreover, even after we had been expelled from the Society of St. Pius X in April 1983, the activities of the two American Thuc bishops rendered the idea of cooperating with them morally impossible. And there the matter rested for about two years.

In 1985 one of my confréres, the Rev. Donald J. Sanborn, suggested that our group approach Don Antonio de Castro-Mayer, the retired Bishop of Campos, Brazil, to see if he'd be willing to ordain priests for us, or at least offer some advice. This prelate had taken a strong stand against the New Mass, and his position on John Paul II was said to be much harder than Abp. Lefebvre's.

Father Sanborn visited Campos in April 1985 and spoke at great length with Bp. Mayer. The bishop, it turned out, confined his apostolate to Brazil.

When Father Sanborn broached the topic of who could ordain priests for us, Bp. Mayer said: "Go to Guérard!"

Father Sanborn said that he doubted the validity of Bp. Guérard's episcopal consecration. The bishop replied: "If it's valid for Guérard, it's valid for me." Father Sanborn explained some of his hesitations. Bp. Mayer answered: "Guérard is the most qualified person in the world to determine if the consecration was valid."

On his return, Father Sanborn suggested that some of us research the principles moral theologians employ to determine whether an episcopal consecration is valid. Since I was skeptical of the consecrations, I volunteered to work along with him.

The investigation turned out to be a formidable task. Since 1985 Father Sanborn and I have spent between us at least a thousand hours on research, much of it in the theology and canon law sections of Catholic university and seminary libraries throughout the U.S.[3]

The conclusion which began to emerge was, I admit, contrary to my initial expectation. There are no "special" or "extra" proofs which must be made before one can say that an episcopal consecration is valid. Canonists and theologians treat a consecration as they would any other sacrament. Once it's been performed, it's regarded as valid, and the "burden of proof" (if any) rests on those who *attack* its validity.

At a September 1988 priests' meeting, Father Sanborn distributed a brief internal report to the priests on the theological principles to be applied. Father concluded that we had to regard the consecrations as valid.

Overall, I found the report convincing. In particular, Father's comments corresponded with what I had uncovered in Pope Leo XIII's Bull *Apostolicae Curae.*

A heated discussion ensued. Later that day, I spoke with the Rev. Clarence Kelly, the head of our organization. I mentioned that Leo XIII's pronouncement seemed to demolish my objections to the validity of the consecrations — and his as well. He replied: "We *can't* say that the consecrations [of the Thuc bishops] are valid — or some of our priests will want to get involved with them."

At this point I concluded that the arguments against the validity of the consecrations might be based on something other than objective norms of sacramental theology.

After I left the Society of St. Pius V in July 1989, Father Sanborn and I continued to compare notes on our research. What follows is the product of our collaborative efforts. The lion's share of credit belongs to Father Sanborn, who tracked down theological sources and papal decrees with fierce determination.

II. THE FACT OF THE CONSECRATIONS.

We begin our inquiry by asking two simple questions:

- On 7 May 1981 in Toulon, France, did Abp. Thuc perform the rite of episcopal consecration for Guérard des Lauriers using the traditional Catholic rite?

- On 17 October 1981 in Toulon, France, did Abp. Thuc perform the rite of episcopal consecration for Moises Carmona using the traditional Catholic rite?

The answer to both questions is yes.

But note that we've used a clumsy phrase. We've asked if Abp. Thuc *performed the rite* of episcopal consecration for two people, rather than asking if he *consecrated* them. Why?

To call attention to an important distinction between two things:

- The *fact* of a sacrament — i.e., did a ceremony *take place*? and
- The *validity* of a sacrament — i.e., did the ceremony *work*?

Catholic canonists and moralists such as Fathers Cappello,[4] Davis,[5] Noldin,[6] Wanenmacher,[7] and Ayrinhac[8] take such a distinction for granted. So, too, do Church tribunals convened to rule on the validity of a marriage[9] or an ordination.[10] Facts first, validity later.

In this section, therefore, we will not address the issue of validity (Did the consecrations *work*?), but merely the issue of *fact* (Did the ceremony *take place*; did Abp. Thuc *perform the rite*?)

Clearly, the Thuc consecrations took place. But since a few traditional priests have claimed that fact of the consecrations is not "proven" or "certain," or can't be "acknowledged," we'll take a few moments to prove the obvious.

A. Legal Limbo

When things were normal in the Church, it was easy to ascertain the fact that an episcopal consecration took place. You went to someone with authority. He looked up the particulars in an official register. If an authorized church official had duly recorded the consecration in the register, church law regarded it as a fact — "proven" in the eyes of church law. The same goes for baptisms, confirmations and priestly ordinations.

If these official registers were lost or accidentally destroyed, you took another route. You brought the evidence to someone with authority — a diocesan bishop or a judge in a Vatican tribunal, say. The official examined the evidence and issued a decree stating that so-and-so had received the sacrament.

These officials enjoyed a legal power called *ordinary jurisdiction* — authority, deriving ultimately from the pope, to command, make laws, punish and judge. Part of that authority consisted in the power to establish in the eyes of church law the fact that a given sacramental act took place — to function as a sacramental counterpart to the Registrar of Deeds.

In both cases — that of either official registers or hierarchical decrees — someone with *ordinary jurisdiction* was exercising his power. He judged he had sufficient legal evidence that, say, a particular ordination had been performed. He entered it into the official register, or issued a decree. The fact of the ordination was then established before the law.

In contrast to this, consider my own ordination. It's a *fact* that Archbishop Lefebvre ordained me to the priesthood in Ecône, Switzerland on 29 June 1977. But that fact has not been *legally* established. It's not recorded in the ordination register of the Diocese of Sion, as church law would require. Should normalcy return to the Church in my lifetime, I'd go to someone with ordinary jurisdiction. He would then rule on the evidence and issue a decree which would *legally* establish the fact of my ordination.

Where does this leave the fact of the Thuc consecrations? In the same place it leaves my ordination, the Lefebvre consecrations and all sacraments traditional Catholic clergy confer: in a sort of legal limbo. Since no one in the traditional movement possesses ordinary jurisdiction, no one has the power to rule on the legal evidence that a particular sacrament was performed and then establish it as a fact before church law. That's a function of church officials who have received their authority from a pope.

Nevertheless, we traditional Catholics can and do establish the fact that we have conferred or received sacraments. The means we use is *moral certitude*, a simple concept we'll apply to the Thuc consecrations, just as we do to any other sacrament.

B. Documentation

Unlike the Lefebvre consecrations in 1988, the Thuc consecrations received little or no publicity in the United States. Nevertheless, it's easy to document the fact that the ceremonies took place. Here are some sources:

- Published photographs of Bp. Guérard's 7 May 1981 consecration.[11]

- Published photographs of Bp. Carmona's and Bp. Adolfo Zamora's 17 October 1981 consecration.[12]

- Accompanying captions stating that Abp. Thuc performed the consecrations according to *The Roman Pontifical* (1908 edition).[13]

- A February 1988 interview, conducted under oath, with Dr. Kurt Hiller, who was present at both consecrations and who held the ritual book

(*The Roman Pontifical*) for Abp. Thuc as he performed the rite of consecration.[14]

- A sworn affidavit of Dr. Eberhard Heller, who was also present at both consecrations, attesting that Bps. Guérard, Carmona and Zamora were consecrated bishops by Abp. Thuc and that "The consecrations followed *The Roman Pontifical* (Rome: 1908)."[15]

- A letter from Josef Cardinal Ratzinger to Abp. Thuc, which speaks of the Vatican's "well-founded inquiry" into the consecrations, and which specifically notes that Abp. Thuc consecrated Guérard, Carmona and Zamora.[16]

- A 1983 Vatican statement which mentions by name those who were consecrated, and (as one would expect) denounces the consecrations.[17]

- A published letter of Abp. Thuc, dated 11 July 1984, in which he acknowledges that he conferred the episcopate in 1981 on "several priests, namely Revs. M.L. Guerard des Lauriers, O.P., Moses Carmona, and Adolfo Zamora."[18]

- A published interview with Bp. Guérard in which he attests that Abp. Thuc consecrated him on 7 May 1981, that "the consecration was *valid*," that "the traditional rite was followed integrally (except for the reading of a Roman mandate)," and that "Abp. Thuc and I had the intention to do what the Church does."[19]

- An interview with Bp. Guérard where he again affirmed he had been consecrated on 7 May 1981, and that the rite was followed integrally.[20]

- An interview with the Rev. Noël Barbara, conducted under oath, in which Father Barbara stated that he visited Abp. Thuc in 1982, and that Abp. Thuc then acknowledged that he did, in fact, consecrate Bps. Guérard and Carmona.[21]

All these sources, of course, agree on the key issue: the fact that Abp. Thuc performed the rite of episcopal consecration for M.L. Guérard des Lauriers on 7 May 1981, and again for Moises Carmona and Adolpho Zamora on 17 October 1981.

The statements of Dr. Heller, Dr. Hiller, Bp. Guérard and the photo captions (written by Dr. Heller), moreover, are in accord on another key issue: the fact that Abp. Thuc used the traditional rite to perform the consecrations.

C. An Established Fact

Faced with this documentation, the reader sensibly concludes that it is a *fact* that Abp. Thuc performed these consecrations and a *fact* that he used the traditional Catholic rite. Why? The documentation all points to the same basic facts. The parties involved never changed their stories on these facts. It "rings true."

The "sound of truth" we hear, when considering facts about this or any other matter, results from *moral certitude*, a common-sense standard we employ all the time.

Catholic moral theologians say that moral certitude occurs when we realize it's impossible for us to be wrong about a particular fact, since the opposite of that fact is so unlikely that we know it would be imprudent to believe it.[22] It therefore involves considering the *opposite* of something to see how likely it is.

An example* will help here: I didn't see Elvis Presley die. But his wife, the doctor, the sheriff and the undertaker all say he died. I then consider the opposite: that Elvis lives and stalks the aisles of my supermarket. But that would mean that the four people who saw his dead body and who say he's dead are all liars, involved in a massive conspiracy. This is all so unlikely that I couldn't possibly believe it. I've therefore arrived at moral certitude about a fact: Elvis — "The King"— is indeed dead.

To arrive at moral certitude about the Thuc consecrations, therefore, we consider whether the *opposite* of the evidence we have is likely enough to be believable: i.e., that Abp. Thuc did *not* perform either Bp. Guérard's or Bp. Carmona's consecration, or that, if he did, he did *not* use the traditional rite.

This presupposes scenarios like the following: (1) That Abp. Thuc, Bp. Guérard, Bp. Carmona, Bishop Zamora (now deceased), and two arch-sedevacantist laymen lied, faked photos on two occasions, committed perjury in two instances, and engaged in a complex and well-orchestrated conspiracy. (2) That the six different people most directly involved were completely mistaken about the fact that two episcopal consecrations took place. (3) That Guérard, Carmona and Zamora subsequently conferred ordinations and episcopal consecrations they knew were null and void. (4) That Guérard, Carmona and Zamora, aided and abetted by Drs. Hiller and Heller, allowed Abp. Thuc to consecrate them bishops with some rite *other* than the traditional Catholic rite. (5) That the persons involved with the consecrations also deceived Vatican officials about the event, or got the Vatican to participate in the conspiracy.

These scenarios, obviously, are preposterous and absurd, and no evidence whatsoever exists to support them. But they're the only kind of theories

someone can put forward if he wants to say that we have no moral certitude about the fact of the Thuc consecrations. And if someone finds these alternatives believable or likely, all I can tell him is: Keep your eyes open in the supermarket.

This leaves us with *moral certitude* about the fact of the Thuc consecrations, certitude "which excludes all fear of error and every serious or prudent doubt."[23] This is all that theologians require for any sacrament. Since we have no serious or prudent ground to doubt that the consecrations took place and that the old rite was used, we must regard both occurrences as established facts.

III. THE VALIDITY OF THE CONSECRATIONS

We now turn to the question which occasioned this study:

- Are we obliged to regard the Thuc consecrations as *valid* — i.e, as having *worked*?

Based on the principles church law and moral theology apply to all the sacraments, we are obliged to answer yes.

To understand why, we have but to recall how little is required to perform a valid episcopal consecration, and how church law and moral theologians consider those requirements as met in a given case, unless there is *positive evidence* to the contrary.

A. A Recipe for Validity

Among the many beautiful ceremonies of the Catholic Church, the Rite of Episcopal Consecration is surely the most splendid and the most complex. It takes place on the feast of an Apostle, usually before a large gathering of the faithful. In its most solemn form, the bishop who performs the rite is assisted by two other bishops (called "Co-Consecrators"), 11 priests, 20 servers and 3 Masters of Ceremonies.[24] To perform an episcopal consecration observing all the elaborate ceremonial directions takes about four hours.

On the other hand, to perform an episcopal consecration *validly* takes about 15 *seconds*.

This is about the length of time it takes a bishop to impose his hands on a priest's head and recite the 16-word formula the Church requires for validity.

The foregoing may startle the lay reader. But the case is akin to something we all learned in catechism class. All you need to baptize someone validly is ordinary water and the short formula (I baptize thee, etc.). It was so simple that even a Moslem or a Jew could get it right if someone really wanted to be baptized. And once the water was poured and the short formula was recited, you'd be just as validly baptized, and just as much a Christian as if the pope himself had done it in St. Peter's Basilica.

The recipe the Church lays down for a valid episcopal consecration is equally simple. Other than a validly-consecrated bishop to perform the rite and a validly-ordained priest who intends to receive consecration, there are just three ingredients essential for validity:

(1) The imposition of hands by the consecrating bishop (technically called the *matter* of the sacrament).

(2) The essential 16-word formula recited by the consecrating bishop (technically called the *form* of the sacrament).[25]

(3) A minimal intention on the consecrating bishop's part "to do what the Church does" (called *ministerial intention*).

Though all the ceremonies prescribed in the rite should be observed, the three foregoing elements are *all* that is required for an episcopal consecration to be *valid*.

B. Burden of Disproof

Once you're certain of the fact that a real bishop performed a consecration using a Catholic rite, is it then necessary to prove positively that the bishop did *not* omit one of these essential elements during the ceremony?

No. The mere fact that a bishop used a Catholic rite is of *itself* sufficient evidence for validity, which thereafter requires no further proof. Validity becomes a "given," which can only be *disproved*. And this can only be achieved by demonstrating that one of the ingredients essential to validity was either absent (or probably absent) when the ceremony was performed.

This applies to *all* the sacraments and is evident from:

1. **Ordinary Pastoral Practice.** Day-to-day sacramental record-keeping takes for granted that the minister of a sacrament fulfilled the essential requirements for validity. Official baptismal and ordination registers say

nothing whatsoever about technical terms such as “matter,” “form” or “ministerial intention.” And sacramental certificates merely state that so-and-so received a sacrament “with all necessary and fitting ceremonies and solemnities,” or simply “according to the rite of the Holy Roman Church.” They say nothing more, because church law requires nothing more. Such sacraments are regarded as valid without further proof.

2. Canonists. Canonists speak of “the queen of presumptions, which holds the act or contract as valid, until invalidity is proved.”[26] It is applied to the sacraments in the following way: If someone goes before a church court to challenge the validity of a Catholic baptism,[27] marriage[28] or ordination,[29] the burden of proof is on *him*. *He* must show that something essential was lacking when the sacrament was conferred.

3. Church Law and Moral Theology. These sources forbid readministering a sacrament conditionally unless there is a “prudent” or “positive” doubt about validity. (See IV.A below.) As an example of a doubt which would *not* fall into this category, the Dominican moral theologian Fanfani speaks of a priest who does not recall whether he recited the essential sacramental formula. “He should repeat nothing,” says Fanfani. “Indeed, he sins if he does so — for *everything that is done must be supposed to have been done correctly, unless the contrary is positively established.*”[30] That the essential parts of the rite were performed is once again simply taken for granted.

The canonist Gasparri (later a cardinal and compiler of the 1917 Code of Canon Law) offers a general principle: “…an act, especially one as solemn as an ordination, must be regarded as valid, as long as invalidity would not be clearly demonstrated.”[31]

4. Even Unusual Cases. Canonists and moralists even extend these principles to cases where someone other than the usual Catholic minister employs a Catholic rite to confer a sacrament. If a midwife who says she performed an emergency baptism is serious, trustworthy and instructed in how to perform baptisms, says the theologian Merkelbach, “there is no reason to doubt seriously the validity of a baptism.”[32]

Finally, so strongly does the Church hold for the validity of a sacrament administered according to a Catholic rite, that she extends the principle not only to Catholic clergymen, but also even to *schismatics*. Thus ordinations and episcopal consecrations received from Orthodox bishops, and from Old Catholic bishops in Holland, Germany and Switzerland “are to be regarded as valid, unless in a particular case an essential defect were to be admitted.”[33]

The foregoing, of course, reflects the Church's reasonableness. She doesn't ask us to disprove convoluted negative accusations — "Prove positively to me that you did not *omit* to do what you were supposed to do to make the sacrament valid." Otherwise, hordes of specially-qualified witnesses would have to be trained to do an independent validity check each time a priest conferred a sacrament.

It is easy to see, therefore, why a sacrament administered with a Catholic rite must be regarded as valid till the contrary is positively established.

C. Validity

The requirements for a valid episcopal consecration, then, are minimal. And when a Catholic rite is employed for this or any other sacrament, ordinary pastoral practice, canonists, church law and moral theologians require no further proof for a sacrament's validity — even when it is administered by a midwife or a schismatic. Validity, rather must be *disproved*.

When we turn to consider the consecrations of Bp. Guérard and Bp. Carmona, three key facts are absolutely certain:

(1) Abp. Thuc was a validly-consecrated bishop.

(2) He performed the rite of episcopal consecration for Bp. Guérard on 7 May 1981 and for Bp. Carmona on 17 October 1981.

(3) Abp. Thuc employed a Catholic rite for both consecrations.

We have a validly-consecrated bishop. He performed the rite of episcopal consecration. He used a Catholic rite. No further proof is needed. Therefore:

We are obliged to regard the episcopal consecrations Abp. P.M. Ngô-dinh-Thuc conferred on M.L. Guérard des Lauriers and Moises Carmona Rivera as valid.

IV. DUBIOUS OBJECTIONS

As noted above, Bishop Antonio de Castro-Mayer accepted the validity of Bp. Guérard's consecration. Likewise the Papal Nuncio to the U.S., Archbishop Pio Laghi. While condemning Guérard's consecration as "illicit," he too acknowledged that it was "valid."[34] A query to either prelate about

Bp. Carmona's consecration presumably would have prompted similar responses.

Although churchmen as far apart theologically as the traditionalist prelate of Campos and John Paul II's official representative in the U.S. can agree on the validity of the consecrations, a few traditional Catholic priests remained wary. Some honestly found certain issues puzzling. Others aggressively denounced the validity of the consecrations as "doubtful."

We'll deal with the latter group here. Each of their objections has been based on one of two things: (A) A gratuitous assertion which theologians would characterize as a "negative doubt," which as such cannot be employed to impugn the validity of a sacrament. (B) A supposed "requirement" of church law or moral theology which turned out to have been invented by the objectors.

A. "Negative" Doubts

The only way a sacrament can truly be said to be doubtful is if you establish a *positive* (or prudent) doubt about its validity. A doubt is *positive* when it possesses a basis which is clearly objective and firmly rooted in reality. In the case of a sacrament, it must be founded on solid evidence that something essential to validity was probably omitted.

To establish a positive doubt about the validity of the Thuc consecrations, therefore, you'd have to prove that, when the rite was performed, a substantial defect either *did* occur or *probably* occurred in one of the following essential elements:

- The imposition of hands.
- The essential 16-word formula.
- The minimal intention of the bishop "to do what the Church does."

Now *no one* who was present at the Thuc consecrations has ever said one of these defects occurred.

Absent any evidence whatsoever for such a defect, the objectors raise personal speculations, musings, conjectures, hypotheses and — a favorite device — rhetorical questions about what may or may not, or possibly could or could not, have occurred during the "essential 15 seconds" of the consecration.

The chief characteristic of such objections, however, is that they are subjective — i.e., rooted not in a *knowledge* of what occurred during the rite,

but in the objector's *lack* of *personal* knowledge of what occurred. Such objections are what moral theologians call *negative* (or imprudent) doubts. And negative doubts don't render a sacrament "doubtful."

We'll limit ourselves to a few of the more frequently-repeated negative doubts.

Objection 1. *What if something essential were omitted and we don't know about it? Wouldn't it be terrible? Shouldn't we want to be really sure? Isn't it prudent to wonder? Isn't it prudent to doubt? Don't we need more proof? etc.*

Here we see a whole herd of negative doubts thundering along at full gallop. Observe how the procedure works: Lots of questions. Oodles of dark hints. But no pertinent and verifiable facts. And no underlying principle drawn from canon law or moral theology.

The response is simple: Catholic canonists, moral theologians and popes have told us what makes the validity of a sacrament morally certain. These are the prescriptions we must follow. We are engaged in making up our own religion when we pretend we can ask for more.

Objection 2. *I question whether Abp. Thuc "intended to do what the Church does," so the consecrations must be considered doubtful.*

- A priest or bishop who confers a sacrament doesn't have to "prove" that he intends to do what the Church does. He is *automatically* presumed to intend what the rite means. This is certain theological doctrine, taught by the Church. And to deny it is "theologically rash."[35] Leo XIII specifically confirmed the principle with regard to Holy Orders when he said that someone who seriously and correctly uses the matter and form "is for that very reason deemed to have intended to do what the Church does."[36]

We quoted above the canonist Gasparri's statement that an ordination must be regarded as valid till invalidity is demonstrated. He also says that a bishop who confers Holy Orders is *never* presumed to have the intention of *not* ordaining someone as long as the contrary is not proved. For no one should be presumed to be evil, he adds, unless he is proven as such.[37]

Attacking Abp. Thuc's ministerial intention, therefore, is impermissible.

- The mere attempt to do so, moreover, betrays an epic spirit of presumption. Investigating and trying cases where ordinations are impugned for lack of intention was the job of a Vatican court called the Holy Office. The pope himself then specifically confirmed the court's decision.

Floating traditional clergy, therefore, have neither the right nor the authority to attack the ministerial intention of a validly-consecrated Catholic archbishop. The very idea is silly.

Objection 3. *I think Abp. Thuc was insane or senile, so the consecrations must be considered doubtful.*

This is a variant of Objection 2, since it attacks Abp. Thuc's ministerial intention. From what we've said above, it's likewise impermissible.

The objectors, please note, produced not even *one* witness or document to support their charge that Abp. Thuc was "insane" or "senile" when the consecrations took place. Merely by raising this issue, of course, they hint that there might be a factual basis for it: Prove he was *not* insane or senile. It's like saying: Prove you don't beat your wife.

- The minimum "level" of intention required to confer a sacrament validly is *virtual intention*. A lengthy discussion of this technical concept isn't possible here. All we need say is that virtual intention guarantees that a sacrament is valid, even if the priest or bishop is internally distracted before and during the whole sacramental rite.

Virtual intention, says the theologian Coronata, "is certainly present in someone who regularly performs sacramental actions."[38] The mere act of putting on vestments and going to the altar is considered sufficient evidence for virtual intention.

Abp. Thuc celebrated the traditional Mass regularly before and after the consecrations — and very devoutly, said one of my lay friends who once witnessed him do so. It's ridiculous to imply that, when he vested and performed the three-hour-long episcopal consecrations, Abp. Thuc suddenly couldn't manage the bare minimum of a virtual intention.

- Those who actually knew him dismiss these accusations anyway. Dr. Eberhard Heller, who was present at both consecrations, attested under oath that Abp. Thuc "conferred the consecrations in full possession of his intellectual powers."[39] Bp. Guérard likewise stated Abp. Thuc was of "sound mind," "perfectly lucid,"[40] and "had the intention to do what the Church does."[41] The Rev. Thomas Fouhy, a traditional priest from New Zealand, spent two days in Toulon, France with Abp. Thuc in 1983. The archbishop, Father Fouhy related, was "nobody's fool," and discussed with competence various issues in theology and canon law. He even regaled Father Fouhy with details about his trip to New Zealand in 1963. Father Fouhy added that there was no doubt that Abp. Thuc was competent.[42]

So too, even the Archbishop's enemies in the traditional movement. The Revs. Noël Barbara and Gustave Dalmasure visited Abp. Thuc separately in January 1982. Both opposed the consecrations and are still critical of Abp. Thuc. But both still attest that he was in perfect possession of his faculties.

Father Barbara says that the validity of the consecrations is beyond question. He believes the Conciliar Church started the rumor attacking Abp. Thuc's sanity.[43]

- I received photocopies of four documents written in Abp. Thuc's own hand. All originated after the consecrations. His handwriting is clear, firm and more legible than my own. The documents are clearly the work of a man who is coherent and whose competency to confer a valid sacrament is unassailable.

One document is a 30 July 1982 letter to Bp. Guérard forwarding some correspondence. Two are declarations: one, that he broke off connections with the Palmar de Troya group,[44] the other, declaring his position on the vacancy of the Holy See.[45]

The last document is a 1982 letter (in Latin) responding to an inquiry from Bp. Guérard. Several months after his consecration, Bp. Guérard heard that Abp. Thuc had once previously concelebrated the *Novus Ordo* on Holy Thursday, 1981 with the Bishop of Toulon. The Archbishop admits it was true — but closes with this touching phrase: "I hope that God has not judged me so cruelly, for I erred in good faith."[46]

A man who could write such a statement clearly had all his wits about him.

- We therefore draw the appropriate conclusion: Catholic teaching forbids assaults on Abp. Thuc's sacramental intention. And, in light of statements from the Archbishop and those who knew him, Catholic moral principles dictate that one cease repeating the baseless calumny that he was incapable of conferring a valid sacrament.

B. Non-Existent "Requirements"

Time and again as we pursued our research, those who objected to the Thuc consecrations told Father Sanborn and me that "the Church requires" X or Y for an episcopal consecration to be considered valid, that the consecrations didn't meet the requirement, and that they were therefore "doubtful."

Most of these objections were somehow linked to the fact that, apart from Abp. Thuc and the bishops-to-be, only two laymen were present at the ceremonies.

Each time we'd eventually discover that the supposed "requirement" originated not with the Church, but merely with the objectors. Here is a sampler:

Objection 1.*Without a signed certificate, an episcopal consecration is doubtful.*

- There is no church law which says that failure to issue a certificate automatically renders an episcopal consecration doubtful. Moral certitude about the fact a sacrament took place is all that's required to regard it as valid. (See II.A,C above.)

- In any case, the *diocesan ordination register*, and not the certificate from the consecrating bishop, is the official record of an episcopal consecration.

Objection 2. *The consecrations were a "secret" fact, rather than a "notorious" fact. The burden of proof for a secret fact rests on those who assert it, and since that burden of proof has not been met, the consecrations are doubtful.*

This objection is pure mumbo-jumbo.

- Nowhere does church law say that an episcopal consecration performed with only two laymen present is a "secret" fact or that such a consecration is doubtful. The objectors made the rule up.

- Two witnesses suffice to make an act legally "public" under church law anyway. Marriage by its nature, for instance, is always considered a public sacrament. But it can be contracted behind closed doors (to avoid embarrassment, say) in front of two witnesses. Their presence makes it legally "public," even though the fact that the sacrament took place is not broadcast far and wide.

- The references to "secret" and "notorious" facts are drawn from rules of evidence in canon law which apply only when two adverse parties are fighting out a lawsuit, Perry Mason-style, before an ecclesiastical judge in a church trial.

Obviously, the court's not in session. It won't *be* in session till the hierarchy of the Church is restored. The court's power to rule on evidence, meanwhile, hasn't passed by default to the objectors.

And even if the court *were* in session, the objectors would be thrown out of the courtroom: Under church law, only three classes of people can challenge the validity of an ordination or consecration.[47] All other persons, says the canonist Cappello, lack the right to accuse.[48]

Objection 3. *Without "qualified witnesses" an episcopal consecration is doubtful.*

- No church law prescribes that witnesses, qualified or otherwise, must be present at an episcopal consecration — still less, that a consecration is doubtful without them. Again, the objectors fabricated a requirement out of thin air.

Objection 4. *Without at least two priests present to attest that it was performed validly, an episcopal consecration is doubtful.*

This "requirement" doesn't exist, and is directly contradicted by acts authorized by the Holy See.

- The function of the priest-assistants is *not*, as the objectors seem to think, to attest to the validity of a consecration. Pope Benedict XIV says clearly that the reason for the priest-assistants is to *add solemnity* to the liturgical act and to carry out the prescriptions of the rites.[49]

- In mission countries, episcopal consecrations were often performed without priest-assistants.[50] The practice was sanctioned by Pope Alexander VII,[51] Pope Clement X[52] and Pope Pius VI.[53] Pius VI's brief, in fact, was addressed to bishops in what was then called Tonkin and Cochin China — the part of Vietnam where Abp. Thuc's dioceses were located.

- The Church did not merely *allow* episcopal consecrations to be performed without two priest-assistants, but in some cases specifically *ordered* it. In one case, Rome ordered that an episcopal consecration not only be performed secretly and without assistants, but even under the seal of confession.[54]

In a more recent case, Pope Pius XI in 1926 ordered that the Papal Nuncio to Germany perform a secret episcopal consecration without *anyone* present. The Nuncio was Eugenio Cardinal Pacelli, later, of course, Pope Pius XII. Pacelli petitioned Rome that he be allowed to have at least one priest present — not, please note, to serve as a "witness," but merely so the Cardinal could have someone to hold the Missal on the new bishop's shoulders as prescribed while the Preface was recited.[55]

- Pius XI sent the bishop whom Pacelli consecrated, Mgr. d'Herbigny, into Russia in order to consecrate bishops secretly. He conducted the first such consecration on 21 April 1926 for a certain Father Neveu. The consecration took place without priest-assistants and in the presence of two laymen — circumstances identical to those of the Thuc consecrations. Mgr. d'Herbigny issued no certificate.[56]

The Church, obviously, would not allow — still less command — a bishop to perform an episcopal consecration without priest-assistants if such were "doubtful." It is impossible, therefore, to maintain that the Thuc consecrations are "doubtful" on such grounds.

Objection 5. *Without a papal dispensation, an episcopal consecration performed without two priest-assistants is doubtful***.**

- Once again, no law or canonist supports this.

- The teachings of the canonists directly contradict it. Bouix says flatly: "Even if there should be a consecration without any assistants and without obtaining a pontifical dispensation, it would still be valid."[57] Regatillo, writing in a 1953 work, goes even further. He says that a consecration performed without a dispensation would be valid even if the bishop "is the only one who is present at the consecration."[58]

- Pope Alexander VII,[59] Pope Clement XI and Pope Benedict XIV declared that consecrations performed without such a dispensation are valid.[60]

conclusions

Traditional Catholics, long accustomed to controversies where the virtue or wickedness of persons or organizations stands at center stage, may find all the foregoing dry and bland. We've spent no time at all arguing over the personal qualities of the parties involved — whether or not Thuc, Guérard or Carmona were virtuous, wise, prudent, logical, consistent or theologically perspicacious.

Such discussions have no bearing whatsoever on the issue of whether or not a sacrament is valid. They concern what theologians call the *probity* of the minister. And it is a truth of the Catholic faith that the valid administration of a sacrament does not depend on a priest or bishop's probity.[61]

The issue of whether the Thuc consecrations were *valid,* therefore, boils down to a few dry principles and a handful of facts:

(1) All that is required to perform an episcopal consecration validly is an imposition of hands, a 16-word formula and the minimal intention "to do what the Church does."

(2) Once you establish the fact that a validly-consecrated bishop performed an episcopal consecration using a Catholic rite, the essential elements are taken for granted. The validity of the consecration requires no further proof; rather, it can only be *disproved — and the burden of disproof is on the accuser*. This is evident from ordinary pastoral practice, canonists, church law and moral theology. The principle is extended even to episcopal consecrations performed by schismatics.

(3) Three essential facts are beyond dispute: (a) Abp. Thuc was a validly-consecrated bishop. (b) He performed the rite of episcopal consecration for Bp. Guérard on 7 May 1981 and for Bp. Carmona on 17 October 1981. (c) Abp. Thuc employed a Catholic rite for both consecrations.

We have a validly-consecrated bishop. He performed episcopal consecrations. He used a Catholic rite. We are obliged, therefore, to regard the episcopal consecrations Abp. P.M. Ngô-dinh-Thuc conferred on M.L. Guérard des Lauriers and Moises Carmona Rivera as valid.

Since these consecrations were valid, we are likewise obliged to regard the Thuc bishops in the U.S. as validly-consecrated bishops who possess the sacramental power to confirm, to ordain, and to consecrate bishops.

(*Sacerdotium* 3, Spring 1992)

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[1] *Einsicht* 11 (March 1982), 12. “Je n’ai plus de rélations avec Palmar depuis leur chef se proclame Pape. Je désapprouve tout ce qu’ils font.”

[2] *The Roman Catholic* 5 (January 1983), 8.

[3] Among them: Catholic University, St. John’s, Fordham, Xavier, Marquette, Detroit, Dunwoodie, Douglaston, St. Francis and the Josephinum.

[4] F. Cappello, *Tractatus Canonico-Moralis De Sacramentis,* (Rome: Marietti 1961), 1:21. “Quoties rationabile seu prudens adest dubium de *collato sacramento* necne aut de collati sacramenti *valore*.” My emphasis.

[5] H. Davis, *Moral and Pastoral Theology.* (New York: Sheed and Ward 1943), 3:25. The “validity of a sacrament *bestowed*.” My emphasis.

[6] H. Noldin & A. Schmitt, *Summa Theologiae Moralis (*Innsbruck: Rauch 1940), 3:27. “In sacramentis… *dubium facti* habetur, si dubitatur, an sacramentum *reipsa* collatum sit vel *quomodo* collatum sit, nempe cum debita materia, forma et intentione.” His emphasis.

[7] F. Wanenmacher, *Canonical Evidence in Marriage Cases,* (Philadelphia: Dolphin 1935), 500. "…when the *fact* of baptism has been established, but the *validity* remains doubtful…" My emphasis.

[8] H. Ayrinhac, *Legislation on the Sacraments (*New York: Longmans 1928), 6. "Should a prudent doubt exist as to the *fact of their administration* or *their validity* …" My emphasis.

[9] *Code of Canon Law,* Canon 1014. "in dubio standum est pro valore matrimonii, donec contrarium probetur…"

[10] See S.C. Sacraments, Decree 9 June 1931, *Acta Apostolicae Sedis* 23 (1931), 457ff.

[11] *Einsicht* 12 (May 1982), 4–6.

[12] *Einsicht* 11 (March 1982), 14–19.

[13] *Einsicht* 11 (March 1982), 14. "Bischofsweihe S.E. Mgr. M.-L. Guérard des Lauriers, o.p.: in Toulon am 7.Mai 1981; Konsekrator: S.E. Mgr. Pierre Martin Ngô-dinh-Thuc: nach dem 'Pontificale Romanum summorum pontificum jussu editum a Benedicto XIV et Leone XIII. Pont. Max.' (Ratisbonae, Romae, etc. 1908)." "Bischofsweihe S.E. Mgr. Moises Carmona und S.E. Mgr. Adolfo Zamora in Toulon am 17 Oktober 1981; Konsekrator: S.E. Mgr. Pierre Martin Ngô-dinh-Thuc: nach dem 'Pontificale Romanum' (Ratisbonae, Romae, etc. 1908, S. 520 ff).

[14] Clarence Kelly, et al., Interview with Dr. Kurt Hiller, Munich, February 1988, *passim*.

[15] Eberhard Heller, "Eidesstattliche Erklärung zu den Bischofsweihen von I.E. Mgr. M.L. Guérard des Lauriers, Mgr. Moises Carmona und Mgr. Adolfo Zamora," *Einsicht* 21 (July 1991), 47. "Um noch bestehende Zweifel an den von S.E. Mgr. Pierre Martin Ngo-dinh-Thuc gespendeten Bischofsweihen. die z.B. von bestimmten Personen und Gruppen in den U.S.A. geäußert werden, und weil seine Excellenz inzwischen verstorben ist, er sich also dazu selbst nicht mehr äußern kann, erkläre ich an Eides statt, da ich den betreffenden Konsekrationen durch Mgr. Ngo-dinh-Thuc persönlich beiwohnte: Ich bezeuge, daß S.E. Mgr. M.L. Guérard des Lauriers O.P. am 7.Mai 1981, I.E. Mgr. Moises Carmona und Mgr. Adolfo Zamora am 17 Oktober 1981 in Toulon/ Frankreich von S.E. Mgr. Pierre Martin Ngo-dinh-Thuc zu Bischöfen der hl. katholischen Kirche geweiht wurden. Die Konsekrationen erfolgten nach dem 'Pontificale Romanum' (Rom 1908). Mgr. Ngo-dinh-Thuc spendete die Weihen im Vollbesitz seiner geistigen Kräfte und in der Absicht, der Kirche aus ihrer Notsituation herauszuhelfen, die er in seiner 'Declaratio' über

die Sedisvakanz vom 25. Februar 1982 präzisierte. München, den 10. Juli 1991. E. Heller."

[16] Ratzinger to Thuc, Letter 1 February 1983. "Après le délai nécessaire à une enquête fondée, la S. Congrégation pour la Doctrine de la Foi a pu s'assurer qu'au moins depuis 1981… vous avez également conféré… l'ordination épiscopale au religieux français M.L. Guérard des Lauriers, OP, ansi qu'aux prêtres mexicains Moises Carmona et Adolfo Zamora."

[17] S.C. Pro Doctrina Fidei, Notificatio 12 March 1983, *Acta Apostolicae Sedis* (April 1983).

[18] *L'Osservatore Romano*, English edition, 24 December 1984.

[19] *Sodalitium* 4 (May 1987), 24. "Affermo che questa Consecrazione è *valida*… Atteso che: 1) il rito tradizionale è stato integralmente osservato (fatto eccezione della lettura del 'mandato romano'!): 2) Mons. Thuc ed io avevamo l'intenzione di fare ciò che fa la Chiesa." His emphasis.

[20] Joseph F. Collins, Notes of Interview with Guérard, La Charité (France), August 1987.

[21] Clarence Kelly, et al., Interview with Noël Barbara, Greenwich CT, May 1990.

[22] See J. McHugh & C. Callan, *Moral Theology*, New York: Wagner 1929), 1:643. "Judgments are *morally* certain, when error is impossible according to what is customary among mankind, the opposite of what is held by the mind being so unlikely that it would be imprudent to be moved by it."

* *Adnotatio editoris*: Ne quid a devotis etiam rudis lectoribus celeretur, auctor reverendus planum facit se dicere fabulam, latius in Statibus Foederatis Americae ab ephemeridibus aliis sordidis diffusam, quod E. Presley, citharoedum ac divum populo gratissimum (qui «Rex» appellabatur et obiit circa idibus Augusti, anno MCMLXXVII), non vero obiisse, sed vivit jam, quasi in occulto, interdum tamen se videndum praestans, praesertim uxoribus tabernas aromatarias frequentibus — exemplum immo vividum, etiamsi nimirum ab auctoribus probatis haud hucusque citatum.

[23] McHugh & Callan, 1:645.

[24] J. Nabuco, *Pontificalis Romani Expositio Juridico-Practica* (New York: Benziger 1945), 1:218.

[25] For validity, it is not even necessary that the bishop get all the words exactly right, as long as he does not change the meaning substantially. See E. Regatillo, *Jus Sacramentarium (*Santander: Sal Terrae 1949), 873.

[26] Wanenmacher, 408.

[27] Wanenmacher, 500. “Similarly when the fact of baptism has been established, but the validity remains doubtful, there is a general presumption in favor of validity. This is especially true of Catholic baptism, and the presumption is elided only by a strict proof to the contrary.”

[28] Wanenmacher, 411. “Under the Code marriage has the favor of law: hence when there is a doubt, we must hold to the validity of the marriage until the contrary is proved (c. 1014).”

[29] S. Woywood, *Practical Commentary on the Code of Canon Law* (New York: Wagner 1952), 1905. “A sacred order is presumed valid until its invalidity is established by proof to the effect that it was received with want of intention on the part of the petitioner.”

[30] L. Fanfani, *Manuale Theorico-practicum Theologiae Moralis (*Rome: Ferrari 1949), 4:50. “E contra minister qui leviter tantum aut negative tantum, dubitat, de bona administratione alicuius sacramenti, e.g. non recordatur se verba formae pronuntiasse, nil repetere debet, quinimmo peccat si facit: omne enim factum, supponendum est rite factum, nisi positive constet contrarium.” My emphasis.

[31] P. Gasparri, *Tractatus de Sacra Ordinatione* (Paris: Delhomme 1893), 1:970. “…tum quia actus, praesertim adeo solemnis qualis est ordinatio, habendus est ut validus, donec invaliditas non evincatur.”

[32] B. Merkelbach, *Summa Theologiae Moralis* (Bruges: Desclée 1962) 3:165. “Ubi ergo persona omnino seria, etiam mera obstetrix, quae sit fide digna, circumspecta, et in ritu baptizandi instructa, assereret infantem a se rite baptizatum esse, non esset cur de valore Baptismi serio dubitaretur;…..”

[33] U. Beste, *Introductio In Codicem* (Collegeville MN: St. John’s 1946), 951. “Hinc ordines collati ab episcopis schismaticis ecclesiae orientalis, iansenistis in Batavia (Hollandia), veterum catholicorum in Germania et Helvetia, validi habendi sunt, nisi in casu particulari vitium essentiale admissum fuerit.”

[34] P. Laghi [to E. Berry], Letter 28 September 1988. “In response to your inquiry of September 23, 1988, the episcopal ordination of Guerard des Lauriers, while valid, was gravely illicit.”

[35] B. Leeming, *Principles of Sacramental Theology* (Westminster md: Newman 1956), 482. “This principle is affirmed as certain theological doctrine, taught by the Church, to deny which would be theologically rash… *the minister is presumed to intend what the rite means*..” His emphasis.

[36] Bull *Apostolicae Curae*, 13 September 1896. “Iamvero quum quis ad sacramentum conficiendum et conferendum materiam formamque debitam serio ac rite adhibuit, eo ipso censetur id nimirum facere intendisse quod facit Ecclesia.”

[37] *Tractatus de Sacra Ordinatione*, 1:970. “Proinde numquam praesumitur ministrum talem intentionem *non ordinandi* habuisse in ordinatione peragenda, donec contrarium non probetur; tum quia nemo praesumitur malus, nisi probetur…” His emphasis. The foregoing principles likewise defeat the arguments of those who believe that Lefebvre’s consecrator, Lienart, was a Mason (a phony charge) and thus that Lefebvre’s ordinations are “doubtful.”

[38] M. Conte a Coronata, *De Sacramentis: Tractatus Canonicus* (Turin: Marietti 1943) 1:56. “Virtualis enim intentio, ut iam vidimus, est intentio ipsa actualis quae cum distractione operatur. Talis intentio certe habetur in eo qui de more ponit actiones sacramentales.”

[39] “Eidesstattliche Erklärung…,” *loc. cit.*, “Mgr. Ngo-dinh-Thuc spendete die Weihen im Vollbesitz seiner geistigen Kräfte.”

[40] Collins, Guérard Interview Notes.

[41] *Sodalitium* 4 (May 1987), 24. “Atteso che… Mons. Thuc ed io avevamo l’intenzione di fare ciò che fa la Chiesa.”

[42] Conference, Cincinnati, 13 December 1991.

[43] Joseph Collins, Notes of Interview with Noël Barbara, November 1989.

[44] Declaration 19 December 1981, reprinted in *Einsicht* (March 1982).

[45] Declaration 25 February 1982. The text was transcribed and reprinted in *Einsicht* (March 1982).

[46] Thuc to Guérard, undated letter [early 1982]. “Excellentissime Domine: Recepi litteras tuas tantum his diebus, quia non sum in urbe Toulon jam ab uno mense. In illa epistola, voluisti cognoscere utrum concelebravi, anno praeterito, in die quinta Sanctae hebdomadae cum Episcopo hujus diocesis. Utique, cum illo Episcopo celebravi, quia illa die non potui celebravi in meo domo secundum legem Ecclesiae. Tu dixisti quod ego commisi peccatum,

quia secundum te, Missa illius episcopi erat invalida. Spero quod Deus non me judicavit ita crudeliter, quia erravi in bona fide. + P.M. Ngô-dinh-Thuc."

[47] The recipient of the sacrament, his diocesan ordinary, and the ordinary of the diocese where the sacrament was conferred. See Canon 1994.1. "Validitatem sacrae ordinationis accusare valet clericus peraeque ac Ordinarius cui clericus subsit vel in cuius diocesi ordinatus sit."

[48] See Cappello 4:683. "Aliae personae extraneae procul dubio jure accusandi carent."

[49] *De Synodo Diocesana* 13.13.7. "Et utroque casu aliquid desideratur, quod ad ejusdem actus solemnitatem, et praescriptorum rituum observantiam pertinet; quandoquidem in prima facti specie deest duorum Antistitum praesentia a sacris canonibus statuta; in altera vero desideratur praesentia duorum Sacerdotum, quos Pontifex adhibendos voluit."

[50] Z. Zitelli, *Apparatus Juris Ecclesiastici* (Rome: 1888), 23. "Siquando necessitas postulet vel impossibilitas adsit tres habendi Episcopos, Romani Pontificis erit indulgere ut consecratio ab uno fiat Episcopo cum assistentia duorum Sacerdotum, qui in dignitate ecclesiastica constituti sint, vel etiam a solo Episcopo absque ulla assistentia, ut saepe usuvenit in locis sacrarum missionum."

[51] S. Many, *Praelectiones de Sacra Ordinatione* (Paris: Letouzey 1905), 519. "Alexander VII, brevi *Onerosa,* 4 Feb. 1664, concessit ut aliqua episcopalis ordinatio, apud Sinas, fieret ab uno tantum episcopo, cum assistentia duorum presbyterorum, et etiam, si opus esset, sine illorum assistentia."

[52] Brief *Decet Romanum*, 23 December 1673, 3. The Pontiff specifically confirmed the privileges granted by Alexander VII, among them, performing the "…munus consecrationis cum assistentia aliorum duorum presbyterorum, etiamsi non essent episcopi, nec in ecclesiastica dignitate constituti, si adessent, sin minus, etiam sine illorum assistentia…"

[53] Brief *Exigit Pastoralis*, 22 July 1798. "…munus consecrationis cum adsistentia aliorum duorum presbyterorum, etiamsi non sint Episcopi, nec in ecclesiastica dignitate constituti, si adfuerint, sin minus etiam sine illorum assistentia…"

[54] J. McHugh, *The Casuist* (New York:Wagner 1917), 5:241.

[55] P. Lesourde, *Le Jésuite Clandestine: Mgr. Michel d'Herbigny* (Paris: Lethielleux), 70. In the account of his secret consecration, Mgr. d'Herbigny

writes: “Le Nonce expliqua que Rome lui avait d’abord prescrit d’être seul avec le Père d’Herbigny. Il avait fait valoir que, sans la présence d’au moins un assistant, la céremonie lui semblait irréalisable, ne serait-ce que pour maintenir le Missel sur les épaules du consacré.”

[56] See Lesourde, 76ff.

[57] D. Bouix, *Tractatus de Episcopo* (Paris: Ruffet 1873), 1:243. “Sed etiamsi fiat consecratio absque ullis assistentibus, et absque obtenta Pontificia dispensatione, adhuc valida erit.”

[58] E. Regatillo, *Interpretatio et Jurisprudentia Codicis J.C. (*Santander: Sal Terrae 1953), 465. “Unus episcopus sufficit ad validitatem consecrationis, dummodo ritum essentialem cum debita intentione ponat. Idque etsi sine pontificia dispensatione *unicus* sit qui consecrationi intersit.” My emphasis.

[59] Brief *Alias*, 27 February 1660. “Quantum spectat ad sacramentum et impressionem characteris fuisse validam.”

[60] *De Synodo Diocesana* 13.13.9-10. “…*consecrationem hujusmodi validam, licet illicitam, esse censuerunt*… ratam firmamque, sed illicitam Consecrationem pronuntiavit.” Benedict’s emphasis, quoting Clement’s decree of 26 November 1718.

[61] Cappello, 1:36. “In ministro non requiritur nec status gratiae, nec vitae probitas, imo nec ipsa fides, ad *validam* sacramentorum confectionem vel administrationem. Haec est veritas catholica de fide.” His emphasis.